

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6184

AN ORDINANCE approving the Horizon View A Rezone Application for thirty-two properties generally bounded by 145th Pl. SE on the west, SE 51st St. on the south, 151st Ave SE on the east, and the Eaglesmere neighborhood on the north, located in the Newcastle Subarea in Bellevue, Washington; and establishing an effective date.

WHEREAS, the City's Director for Planning and Community Development ("Applicant") applied for a rezone to change the zoning from R-3.5 to R-2.5 land use district for properties legally described as follows ("Horizon View A Area Rezone"):

Commencing at the Southwest corner of Lot A, Block 4 in the plat of Horizon View Addition Division A, recorded in Volume 48 of Plats; Pages 44-47, records of King County, being in the Northeast Quarter of Section 22, Township 24 North, Range 5 East, W.M., and being the TRUE POINT OF BEGINNING; Thence Northerly and Easterly along the West and North boundaries of said plat to the Northeast corner of Lot 1, Block 3, being on the Westerly margin of 151st Avenue S.E. (labeled 168th Avenue S.E. on the plat and also known as the George S. Farmer Road); Thence Southerly along said Westerly margin to a point being the Southerly corner of Lot 19, Block 1 of said plat; Thence Northerly along the Westerly boundary of Lots 16A through 19, Block 1, of the plat of Horizon View Division A to the Northwest corner of said Lot 16A; Thence Westerly along the South boundary of said Block 1 to the Southwest corner of Lot 3, also being on the East line of Lot 2; Thence Southerly along the East boundary of Lots 2 and 1 of said Block 1 and the extension thereof to a point on said line being 33.98 feet Southerly from the Southeast corner of said Lot 1; Thence Northwesterly on a straight line to the Southwest corner of said Lot 1; Thence Westerly along the South line of said plat to the Southwest corner of Lot A thereof, being the TRUE POINT OF BEGINNING; and

WHEREAS, the properties subject to the Horizon View A Rezone application are developed with detached single family residences located on lots that average 21,000 square feet; and

WHEREAS, the area is characterized by moderately sloping topography and traditional northwest landscaping; and

WHEREAS, two public parks are within the vicinity of the subject area; and

WHEREAS, in 2014 members of the Horizon View A community contacted the city's Neighborhood Outreach staff to express concerns about proposed short



plat redevelopment activities in their neighborhood. The community expressed concern that the existing R-3.5 zoning, with its 10,000 square foot minimum lot size, could enable an increase in short plat activity incompatible with their existing neighborhood character; and

WHEREAS, Horizon View A is located in the 2012 South Bellevue annexation area alongside the Hilltop and Horizon View C neighborhoods in south Bellevue;

WHEREAS, similar rezones were previously achieved by Horizon View C and Hilltop, and members of Horizon View A petitioned the City Council to initiate a legislative rezone to address their similar situation; and

WHEREAS, in initiating the rezone process on June 16, 2014, Councilmembers noted an issue of fairness in assuring that all three recently annexed neighborhoods could make a reasonable examination of their zoning and its appropriateness; and

WHEREAS, the Applicant filed for a rezone on August 4, 2014, and Notice of Application was published on August 7, 2014; and

WHEREAS, the majority of letters or emails received by staff in reference to this application related to the compatibility with current lot and home sizes and potential threats to the existing territorial views caused by the construction of new homes. Also included in the comments was a concern that annexation did not examine the appropriate zoning for Horizon View A as it did in the Hilltop and Horizon View C areas; and

WHEREAS, the environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes adequately mitigate expected environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) was the appropriate threshold determination under the State Environmental Policy Act (SEPA); and

WHEREAS, upon due notice, the Planning Commission held a public hearing on September 10, 2014; and

WHEREAS, on September 10, 2014, the Planning Commission recommended approval of the application and made proposed findings of fact and conclusions based thereon in support of their recommendation; and

WHEREAS, the City Council concurs in the recommended approval of the Application by the Planning Commission and otherwise concurs with its proposed findings of fact and conclusions; and



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WHEREAS, the City Council has determined that the public use and interest will be served by approving the rezone; and

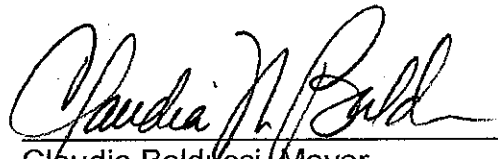
THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby approves the Rezone Application for the Horizon View A Rezone to change the zoning from R-3.5 to R-2.5, File No. 14-138195-LQ and adopts the findings of fact and conclusions proposed by the Planning Commission as set forth in "Findings of Fact, Conclusions of Law and Recommendation of the Planning Commission for the City of Bellevue (included as Attachment A to this Ordinance).

Section 2. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 20 day of OCTOBER, 2014
and signed in authentication of its passage this 20 day of OCTOBER, 2014.

(SEAL)

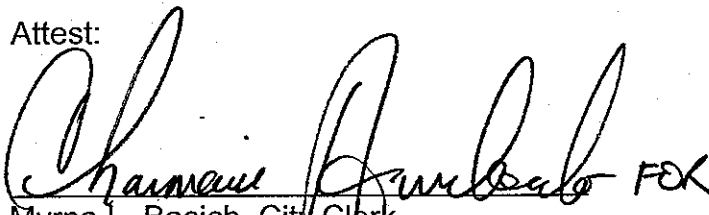

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Jerome Y. Roaché, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published 10/23/14





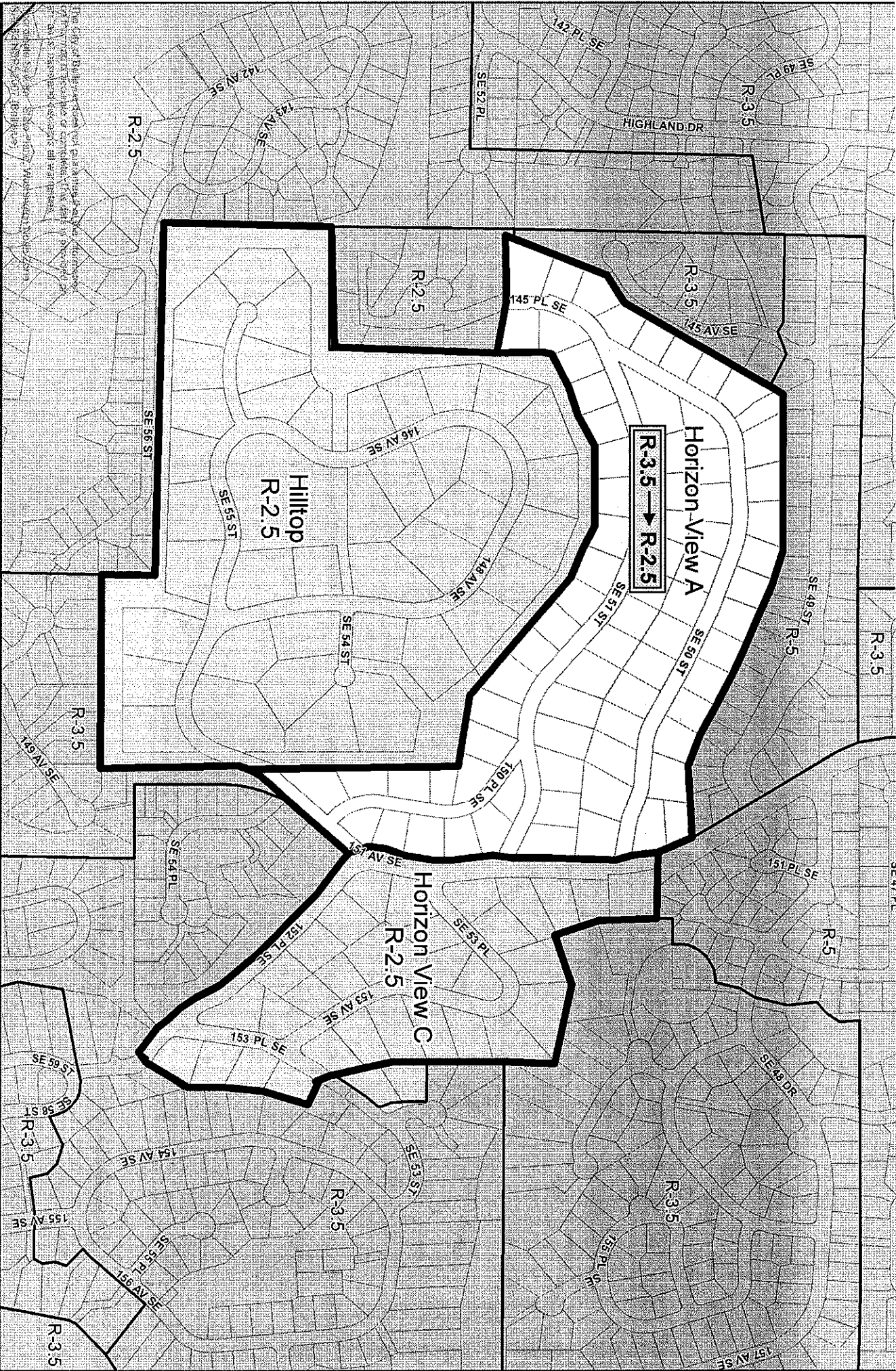
Horizon View A - Area-Wide Rezone

July 2014



440 Feet

Source:
City of Bellevue



City of
Bellevue



PLANNING COMMISSION TRANSMITTAL

DATE: September 30, 2014

TO: Mayor Balducci and City Councilmembers

FROM: Chair Laing and Planning Commission members

SUBJ: Planning Commission recommendation Transmittal on Horizon View A legislative rezone R-3.5 to R-2.5 (14-138195 LQ)

With this Transmittal, the Planning Commission recommends approval of the Horizon View A legislative rezone from R-3.5 to R-2.5. The Commission vote was 5-0 (Commissioner deVadoss absent, Chair Laing abstain). This city-initiated area-wide rezone was recommended in response to Council direction to consider this proposal under its authority to establish policies and regulations regarding future public and private development at LUC 20.35.400.

BACKGROUND

Earlier this year members of the Horizon View A community contacted the city to express concerns about proposed short plat redevelopment activities in their neighborhood. The community expressed concern that the existing R-3.5 zoning, with its 10,000 square foot minimum lot size, could enable an increase in short plat activity incompatible with their existing neighborhood character. The roughly half-acre average lot size, with views through and from the lots, represents this existing character.

During the annexation process, residents in both nearby Hilltop and Horizon View C sought rezones to R-2.5—with its 13,500 square feet minimum lot size—because they believed it would be more compatible with their relatively large lots and lack of sewers. Hilltop advocated for their rezone in advance of annexation using pre-annexation zoning, adopted in Ordinance 6018. Horizon C agreed to an assurance by the city to conduct a post-annexation area-wide rezone. The Planning Commission held a hearing and made an affirmative recommendation for Horizon View C, leading to a September 2012 Council adoption of the rezone through Ordinance 6095.

With an understanding of annexation rezones previously achieved by Horizon View C and Hilltop, owners in Horizon View A petitioned the City Council to initiate a rezone to address their similar situation. On June 16, 2014, the City Council initiated the legislative rezone of the recently annexed (2012) Horizon View A neighborhood from R-3.5 to R-2.5.

In initiating the rezone process, Councilmembers noted an issue of fairness in assuring that all three recently annexed neighborhoods could make a reasonable examination of their zoning and its appropriateness. Councilmembers were clear that initiating the process would allow review of the merits of the proposal and that the Council's action did not presume approval or denial of the rezone.

The Planning Commission affirmed this approach in its July 2014 Study Session and September 2014 review of the staff recommendation and public hearing testimony.

PROPOSAL DESCRIPTION

Rezone Horizon View A from R-3.5 to R-2.5. Both zones are consistent with the existing Single Family-Medium (SF-M) Comprehensive Plan land use designation.

The Planning Commission and City Council review such area-wide rezones through the Process IV rezone (LUC 20.35.400), which is a legislative decision made by the City Council. The Planning Commission holds a public hearing, takes testimony on the proposal, and makes a recommendation to the City Council. The City Council makes a decision based on the record established by the Planning Commission.

STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue determined that this proposal would not result in any probable, significant, adverse environmental impacts. A Determination of Non-Significance (DNS) was issued on August 21, 2014.

PUBLIC HEARING

LUC 20.35.410 requires that the Planning Commission hold a public hearing on proposals reviewed through Process IV prior to making a recommendation to Council. LUC 20.35.430 states that any person may participate in the public hearing.

Comments were received at the City Council's June 16, 2014 Study Session during Oral Communications, and at the Planning Commission's July 30, 2014 Study Session during Public Comment.

The majority of comments related to compatibility with current lot and home sizes and potential threats to the existing territorial views caused by the construction of new homes. Also included in the comments was a concern that annexation did not examine the appropriate zoning for Horizon View A as it did in the Hilltop and Horizon View C areas. All three areas were part of the 2012 South Bellevue Annexation.

On September 10, 2014, the Planning Commission held a public hearing on the rezone. Twelve comment letters were received and eight people testified at the hearing, although upwards of 30 people were in the audience. All of the testimony and audience spoke in support of the proposed rezone, except for one owner. He noted in his testimony that the city has an obligation to support infill efforts such as were represented by short plat activity under the existing zoning and as a tenet of growth management.

DECISION CRITERIA

The Planning Commission in its review of the staff recommendation and public testimony and in its study of the application, finds that the decision criteria have been met, and that city may approve this application for rezone.

- **The proposal is consistent with the Comprehensive Plan.**

Finding: Both R-3.5 and R-2.5 zoning are consistent with the existing Single Family-Medium (SF-M) Comprehensive Plan designation for this South Bellevue area under the Growth Management Act, hence the need only for a rezone.

Cities are urban areas, with expectations of infrastructure and urban—albeit single-family—densities. Horizon View A has urban infrastructure in place including public sewers. Generally, it is desirable to encourage infill development where infrastructure is in place and there is sufficient land.

While rezoning may decrease the potential for infill development, the rezone will protect the existing neighborhood by encouraging existing levels of development. Growth will be accommodated under the R-2.5 zoning district.

The proposal is consistent with Land Use Element and Newcastle Subarea Plan policies. The rezone will continue to allow development of compatible single-family residences. The R-2.5 is reflective of the existing development pattern and will continue to maintain the stability of the existing development in the area.

A major objective of the Land Use Element is to maintain the vitality, quality, and character of Bellevue's neighborhoods. These vary widely in size, age, size and style of housing. These diverse attributes make them unique and desirable "great places to live." Most Bellevue neighborhoods are stable, well maintained, and characterized by a healthy level of investment.

Policy LU-9. Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already existing area.

Policy LU-19. Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the city's land use regulations.

Policy NC-11. Promote infill development at a density consistent with the existing character of established neighborhoods.

- **The rezone bears a substantial relationship to the public health, safety and welfare.**

Finding: The surrounding area has already been developed with transportation and infrastructure improvements to support residential uses. The proposal will not require new public facilities because the area is already served within the transportation network, the utility system, and other public services such as fire and police.

- **The rezone is warranted because the proposed zoning classification is appropriate for reasonable development of the subject property.**

Finding: Development and redevelopment under the proposed zoning classification will accommodate reasonable development of lots within this area.

Seventy-three of the seventy-five Horizon View A lots are built. Lot sizes are somewhat smaller on average (21,000 square feet) than the 41 lots in Hilltop (40,000 square feet) and the 28 lots in Horizon C (26,000 square feet). In addition, Horizon A's existing public sewer distinguish them from the individual septic systems that predominate in Hilltop and Horizon C. However, all three share similar view characteristics through and from lots in their areas high on the hill overlooking Bellevue and to the east and west.

The city zoning established after annexation is nearly equivalent to the pre-annexation King County zoning of R-4. Both zonings have similar size, setback, and height dimensions.

- **The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property.**

Finding: The rezone will not be materially detrimental to the surrounding uses or properties. The rezone is consistent and compatible with the surrounding single-family zoned neighborhoods.

- **The rezone has merit and value for the community as a whole.**

Finding: The city's ability to meet its growth targets and general policies reflective of the city as an urban area would still be met. The rezone responds to the community's concerns to establish a zoning more reflective of existing lot sizes. The R-2.5 is consistent with Annexation Element Policy AN-12 to establish appropriate zoning district designations in annexed areas.

Some Horizon View A owners may see access to rezoning as an issue of equity. Despite the differences in circumstance between them and Horizon C and Hilltop, they feel that the other two neighborhoods had more of an opportunity to examine zoning as part of the annexation process. However, concern regarding zoning did not become a concern until the issue of a recent short plat.

Some property owners may view existing R-3.5 zoning as the best support for their current property value, and may wish to have the opportunity to short plat if they so desire and their lot meets the minimum requirements. Changing the zoning to R-2.5 will establish a higher minimum lot size which will make it unlikely that any of the 30 or so existing lots identified by the City as potentially eligible for short platting under current R-3.5 zoning would then be able to take advantage of short platting. Alternatively, some owners view a change to R-2.5 as a better outcome for maintaining neighborhood values tied to the existing large lot character of the area.

RECOMMENDATION

The Planning Commission unanimously recommends approval of the Horizon View A area-wide rezone, applicable to the Horizon View A area as legally described.

